

TITLE 3
AGRICULTURE AND FORESTRY
CHAPTER 12. PLANT DISEASES
PART III. SWEET POTATO DISEASES

§1731. Certificate of inspection required for sweet potato shipments

All sweet potatoes, vines, plants and slips, shipped or moved into, out of, or within the state, shall be accompanied by a certificate of inspection signed by the state entomologist.

§1732. Commissioner of Agriculture and Immigration to promulgate rules and regulations

The Commissioner of Agriculture and Immigration shall have full and plenary power to deal with sweet potato insect pests and diseases which may be prescribed, controlled, or eradicated; he shall have full power to promulgate and enforce the rules, ordinances and regulations and to do and perform such acts through agents or otherwise, as in his opinion may be necessary to control, eradicate, or prevent the introduction, spread, or dissemination of any and all contagious diseases and insect pests as far as may be possible and all such rules, ordinances, and regulations shall have the force of law.

§1733. Investigation to discover diseased sweet potatoes or plants

The commissioner, his agents and employees, may enter any depot, express office, storeroom, warehouse or premises for the purpose of inspecting any sweet potatoes, vines, plants and slips, therein or thought to be therein for the purpose of ascertaining whether the potatoes, vines, plants and slips, are infected with any contagious or infectious diseases or insect pests which they may have reason to believe have been or are being transported in violation of the provisions of this Part.

§1734. Fee based on shipments of potatoes or plants; Sweet Potato Pests and Diseases Fund; disposition of funds

- A. For the purpose of carrying out and putting into effect the provisions of this Part, the commissioner of agriculture and forestry may charge a fee of not more than six cents per bushel on every bushel of potatoes moved or shipped within the state and a fee of not more than ten cents per thousand on all vines, plants, and slips. The fees shall be established by rule adopted in accordance with the Administrative Procedure Act.
- B. All assessments, fees, penalties, and other funds received under the provisions of this Part shall be disposed of in accordance with the following provisions:
 - 1. All assessments, fees, penalties, and all other funds received under the provisions of this Part, subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately

upon receipt into the state treasury and shall be credited to the Bond Security and Redemption Fund.

2. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state, which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of this Part into a special fund which is hereby created in the state treasury and designated as the Sweet Potato Pests and Diseases Fund.
3. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The state treasurer shall invest the monies in the fund in the same manner as monies in the state general fund. All interest earned on monies from the fund invested by the state treasurer shall be deposited in the fund.
4. Subject to appropriation, the monies in the fund shall be used for the following purposes:
 - a. To provide for the expenses of the program established by this Part, as determined by the commissioner of agriculture and forestry.
 - b. To fund any and all costs related to the carrying out of the powers and duties granted to the commissioner of agriculture and forestry under this Part to control sweet potato pests and diseases.

Amended by Acts 1988, No. 160, § 1; Acts 2003, No. 135, § 1.

§1735. Sale of sweet potatoes for certain purposes prohibited

In order to prevent the spread of sweet potato weevils, no person shall sell or provide raw sweet potatoes for the purpose of feeding, offering to feed, or depositing for food the sweet potatoes to wild game quadrupeds.

Acts 1996, 1st Ex. Sess., No. 84, § 1.

§1736. Penalty for violations

- A. A violator of any provision of this Part or of any rule or regulation adopted under the provisions of this Part shall be subject to a civil penalty of not more than five thousand dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall be a separate offense.

- B. Penalties may be assessed only by a ruling of the commissioner of the Department of Agriculture and Forestry based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.
- C. In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing against the offender. The commissioner, by rule, shall determine the amount of costs to be assessed.
- D. The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.
- E. The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Part, or of the rules and regulations adopted under the provisions of this Part, in the district court for the parish in which the violation occurred.

Acts 1990, No. 114, § 1.